

MEMORANDUM FOR: General Counsel

SUBJECT : Proposed Draft of A Bill to Amend the Central Intelligence Act of 1949 dated 20 November 1961

1. The following suggested changes and comments are offered with respect to the language and contents of the subject proposed draft:

OK.  
Re: Item (4) - Section 4(3)(A). There appears to be a possible conflict in the suggested rewording of the paragraph as it pertains to the provisions ". . . shall order to any of the several States . . . upon completion of eighteen months continuous service abroad" and "shall so order as soon as possible after completion of three years of such service." The referenced section of the AID Act (P.L. 87-195) provides that the Secretary "may" rather than "shall" order in connection with the 18 months limitation.

No.  
Re: Item (5) - Section 4(5)(A). Insert the words "on his part" after the word "misconduct" (line 25, page 1). This will conform to our present legislation and to the subsequent references in Items (5)(C)(i) and (5)(C)(ii).

check  
Re: Item (5) - Section 4(5)(A). Substitute the words "the officer's or employee's" for "his" immediately preceding "post of duty" in the first sentence in order to clearly indicate that the authority to pay return travel expenses applies to the dependents as well as to the officer or employee.

delete  
other  
Re: Item (5) - Section 4(5)(C)(ii). It is suggested that the proposed language be modified, for purposes of consistency regarding officers and employees, to read "In the event a dependent of an officer or full time employee who is stationed . . . located abroad."

Re: Item (6).

OK.  
(a) This provision suggests adding paragraph (1)(G) to Section 4. As Item (3) also suggests addition of a new paragraph (1)(G), this suggested new paragraph should be identified as (1)(H)."

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No  
Aid Bill

- (b) It is noted that the suggested change in wording in Item (4) - Section 4(3)(A) represents a change from "two year" to "eighteen months" continuous service abroad as it relates to home leave, while Item (6) - Section 4(1)(G) refers to "one round trip during any continuous two year tour unbroken by home leave." It would seem appropriate to change Section 4(1)(G) to indicate an "eighteen month tour unbroken by home leave."

OK

- (c) It is suggested the opening phrase of Section 4(8) "The Director may provide" be changed to read "Provide, at his discretion," as the preamble to Section 4 of the Act states "Under such regulations as the Director may prescribe, the Agency . . . shall -"

No

Re: Item 7 - Section 5 - New subsection c(2). In view of Executive Order 10973, dated November 3, 1961, which provides in Part VI, Section 603(b) a limitation of thirty months for reemployment rights applicable to the cited Section 625(b) of the AID Act, unless otherwise agreed by the Agency in which such benefits may be exercised, you may wish to consider whether or not any time limitation should be stated in this Section of the proposed amendment of the CIA Act.

Minor  
OK

Re: Item (8) - Section 7(b). For purposes of clarification it is suggested this paragraph be restated as follows: "Whoever lawfully possesses Intelligence Data as a part of his official duties is required, before imparting such information to another person, to determine and verify that such other person is lawfully entitled to receive such information."

OK

Re: Item (9) - Section 8(a). This paragraph appears to lack clarity as to the types of gifts and bequests covered and on whose behalf they will be administered. It is not clear whether or not this paragraph is designed to cover gifts received by employees from outside sources, funds or articles received from agents and held for themselves or their beneficiaries, proceeds deposited from the liquidation of non-appropriated fund activities (such as

2. Following are certain comments and additional suggestions regarding items that the Agency may wish to consider for inclusion in the updated CIA Act:

- a. Consideration be given to specifically providing in the revised Central Intelligence Act of 1949 a provision stating that the Deputy Director of Central Intelligence can act for and exercise the powers of the Director either during the

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absence or disability of the Director or when the Director is present and available. In this connection, reference is made to the specific provision in Section 102(a) of the National Security Act of 1947, as amended, which states that the Deputy Director of Central Intelligence "shall act for, and exercise the powers of, the Director during his absence or disability." Also, reference is made to (1) Section 3(b) of the Central Intelligence Act of 1949 which makes provision for others to act for the Director in connection with certain authorities mentioned in Section 3(a); thereby presumably precluding the exercise of other authorities granted to the Director in the Act, and (2) Section 3(d) which states that certain determinations and decisions "shall not be delegable."

- b. While our regulations (see ) cover the costs of installing telephones in living quarters and certain service charges, it is questionable whether the Act is sufficiently clear on this subject to cover such expenses even for operational purposes. This is especially true in the light of Comptroller General Decision B-146433, dated 11 September 1961.

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3. An estimate of additional costs to the Agency under proposed legislation is summarized below for your information and others interested therein:

<u>Title</u>	<u>Minimum Cost</u>	<u>Maximum Cost</u>
Section 4 (1) . . . . .	\$ 10,000	\$ 202,000
Section 4 (3) . . . . .	80,000	100,000
Section 4 (5) . . . . .	10,000	15,000
Section 4 (1) (g) . . . . .	-	-
Section 4 (8) . . . . .	-	-
Section 5 (g) . . . . .	14,000	173,000
Section 5 (h) . . . . .	-	-
Total . . . . .	<u>114,000</u>	<u>490,000</u>

It is assumed that the total cost to the Agency would initially be absorbed and as experience is gained the items would be provided for in the budget estimates.

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Comptroller

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# ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Proposed Draft of A Bill to Amend the Central Intelligence  
Act of 1949 dated 20 November 1961

FROM:

Technical Accounting Staff  
6E-05 Headquarters Bldg.  
Extension  

NO.

DATE

15 December 1961

TO: (Officer designation, room number, and  
building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom  
to whom. Draw a line across column after each comment.)

1. Comptroller  
6E-69 Headquarters

18/Dec 61

*[Signature]*

Signature

2.

3.

General Counsel  
247 Curie Hall

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